

Section 504/ADA Training

presented by

Mona Yanacheak

Civil Rights Coordinator
South Dakota Department of
Education

***There is nothing so unequal
as the equal treatment of unequals.***



Section 504 Training Goals

- Provide an overview of Section 504/ADA
- Illustrate the differences and similarities between Section 504/ADA and special education (IDEA)
- Eligibility
- School Procedural Responsibilities and Requirements under Section 504
- Example Accommodations
- Questions



Statute

- Civil Rights Statute
- Prohibits Discrimination
- Focuses on Disability
- Implemented in 1973



Who Does Section 504 Apply To?

 Students

 Parents

 Employees

 Other Individuals with Disabilities



Americans with
Disabilities Act

Section 504/ADA

Special
Education
IDEA

School Focus

Community Focus

The Difference/Similarity of 504 and IDEA

■ Section 504/ADA	■ Special Education
■ Civil Rights Law	■ Education Act
■ General Education	■ Special Education
■ Section 504/ADA Coordinator	■ Special Education Director
■ School Responsibility	■ Local, state, and federal
■ Requires 504 Accommodation Plan	■ Requires Individual Education Program



The Difference/Similarity of 504 and IDEA

■ Section 504/ADA

- Physical/mental disability that substantially limits a major life activity and impacts education
- Requires a grievance procedure
- Review periodically
- Office of Civil Rights (OCR)

■ Special Education

- Must qualify under one of the 13 disability categories
- Grievance procedure not required
- Review at least annually
- Office of Special Education Programs (OSEP)



Who is Eligible?

The student has a physical or mental impairment that substantially limits one or more of a person's major life activities.



Definition Issue

The second and third prongs of the definition referring to individuals with a “record of” or regarded as “having an impairment” are relevant only when some negative action is taken based on the perception or record.



Major Life Activities

Seeing

Walking

Working

Learning

Breathing

Speaking

Performing

Caring for

Manual

one-self

Tasks

The impairment must impact the student's education.




Definition of Eligibility

- Has a record of such an impairment
- Is regarded as having such an impairment
- Faces attitudinal barriers or architectural barriers that affect the educational placements of students
- Every person eligible for 504 will not necessarily be eligible for special education



Definition of Eligibility

 Every person eligible for 504 will not necessarily be eligible for special education

 Every person eligible for special education is also protected under Section 504







Examples of Disabilities

- Allergies
- Diabetes
- Obesity
- Orthopedic
- ADD/AD
- Arthritis
- HIV/AIDS
- Cancer
- Multiple Sclerosis
- Chronic Fatigue
- Conduct Disorder
- Temporary Disability
- Chronic Migraine Headache
- Epilepsy
- Tourette Syndrome
- Traumatic Brain Injury
- Cerebral Palsy



Some Disabilities May Qualify Depending Upon Individual

-  **Pregnancy**
-  **Drug & Alcohol**
-  **Slow Learners**
-  **Special Education –
Qualified Students**

**Each situation is based upon an
individual student's needs.**



Possible Exclusions

- Limited English Proficient
- Abusing Drugs and/or Alcohol
- Poor Family Conditions
- “Slow Learners” *without* suspected disabilities
- Student who is pregnant



Responsibilities in the 504 Process

- Student and Parent
- School Principals and
Certified/Classified Staff
- 504 Coordinator
- Superintendent
- School Board



Student and Parent

- Are involved in suggesting accommodations
- Participate in meetings
- Benefits from program









Parent Involvement

- Parents should be included in the 504 process
- Parents must be notified of every team meeting
- Parents should be consulted and given opportunities for input



School Procedural Responsibilities and Requirements

-  **General education management**
-  **No funding is attached to the law**
-  **School is required to have a Title IX Coordinator and a Section 504 Coordinator**
 -  **Identified by name, phone number**
 -  **Trained and responsible for coordinating requests, complaints**
 -  **Insure students rights are protected**



Role of School Personnel

- **School Principals and Certified/Classified Staff**
 - **Nondiscriminatory practices in classrooms**
 - **Referral/Identification/Evaluation**
 - **Parent Involvement and Encouragement**
 - **Program Modifications and Accommodations**
 - **Curricular Adaptations**



Responsibilities under Section 504

 **Evaluation**

 **Meeting**

 **Placement**



Section 504 Committee

Typical members of a Section 504 Committee

 Parents

 Student

 Teacher(s)

 Counselor

 Principal

 Other (as needed)



Factors For Team Consideration

- Evaluation results
- Section 504 eligibility
- The student's unmet needs
- Services and/or accommodations based on eligibility
- Possible staff inservice
- Least Restrictive Environment



Role of School Personnel

504 Coordinator

504 Procedures Coordination

Staff and Parent Training

Section 504 Grievance Procedures Management

Helps conduct the self- evaluation




Role of School Personnel

Superintendent

-  **504 Coordinator Designation**

-  **Annual Notice to
Parents/Students**

-  **Continuing Notice to
Parents/Students/Employees**



Role of School Personnel

-  **School Board of Education**

-  **Policy on
Nondiscrimination**

-  **Grievance Procedure**

-  **Hearing Procedure**



Accommodations

- Modifications made by classroom teacher(s) and other school staff to enable the students to benefit from their education program.
- A plan should be developed outlining services and/or accommodations



Common Accommodations

- Provide a structured learning environment
- Repeat/simplify instructions regarding class assignments and homework
- Supplement verbal instructions with visual ones
- Use behavior management techniques
- Adjust class schedules



Common Accommodations

- **Modify test delivery**
- **Use tape recorders, CAI, and other audiovisual equipment**
- **Select modified textbooks or workbooks**
- **Tailor homework assignments**
- **Tutor one-on-one**
- **Use classroom aides and notetakers**



Common Accommodations

- **Modify nonacademic times (lunchroom, recess) and physical education**
- **Change student seating**
- **Change instructional pace**
- **Change instructional methods**
- **Change instructional materials**



Common Accommodations

- Provide peer tutoring
- Implement behavioral/academic contracts
- Use positive reinforcements (rewards)
- Use negative consequences (punishments)
- Use supplementary materials



Frequently Asked Questions

**Do you have any
questions?**

